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*Attorneys for Tucker Defendants, Counterclaimants,*

*and Third-Party Claimants*

**IN THE UNITED STATES DISTRICT COURT**

**IN AND FOR THE DISTRICT OF ARIZONA**

Labor Smart, Inc.

Plaintiff,

v.

Jason and Melissa Tucker,

Defendants.

And related Counterclaims  
and Third-Party Claims.

Case No. 2:22-cv-00357-PHX-DJH

**STIPULATION TO DISMISS  
SPECIFIC CLAIMS**

(Before the Honorable D. Humetewa)

By and through undersigned counsel, the parties remaining in this lawsuit ((Plaintiff and Counter-Defendant Labor Smart, Inc., “LTNC” and Third-Party Defendants Michael and Chirine Holley, Toby McBride, Joseph Pavlik, Thomas and Kimberly Zarro, and NextGen Beverages, LLC “NextGen”, on one hand, and Jason and Melissa Tucker “the Tuckers”, on the other hand (all collectively “the Parties”)) have jointly conferred and agree that LTNC’s two (2) remaining claims against the Tuckers for Breach of Fiduciary Duties and Conversion shall be dismissed, with prejudice.

The Parties further agree that no party forfeits its right to seek or argue about fees or costs against another party as arising from dismissal of these claims or this Stipulation.

A proposed order of dismissal is provided herewith.

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1 RESPECTFULLY SUBMITTED this 8<sup>th</sup> day of January, 2026.

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